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October 6, 2004

ORIGINAL

Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

Re: Review of the Emergency Alert System, EB Docket No. 04-296

Dear Chairman Powell:

This firm serves as City Attorney for the City of Fontana, California, and we are writing to you on the City's behalf. Fontana has a population of more than 155,000, and is a key economic hub, cultural enclave, and residential center within the booming Inland Empire region of Southern California.

The City is greatly concerned with the Commission's Notice of Proposed Rulemaking regarding local emergency alert systems. Although the Commission has previously supported the concept of local emergency alert systems, the Notice appears to indicate an interest on the part of the Commission in preempting operation and use of such systems. The City is concerned by this possibility for a number of reasons.

As you are aware, not all emergencies are national or even regional in scope. The majority of emergencies are local in nature, and may affect residents and businesses in only one city, or even a portion of a city. Information concerning such emergencies is provided by cities and other local branches of government. Local emergency alert system requirements have long been a part of local cable franchise agreements for precisely this reason. Such local systems provide a useful and efficient means of providing notice of emergencies that may not be covered on television or radio news outlets.

In the case of Fontana, there exists a very real potential for local emergencies. Fontana is home to a stretch of the main railroad transportation corridor connecting the thriving ports of Los Angeles and Long Beach with the rest of the nation. Rail cargo of all types passes through the City, including some that is hazardous, and derailments and spills inevitably occur despite the best safety practices. Fontana's location and topography also render some areas of the City prone to the flash flooding that occurs from time to time along southern California's foothills, as well as the disastrous wildfires that strike our dry, brush-covered hills with grim regularity, necessitating mass evacuations in order to save lives. Finally, some of the busiest interstate

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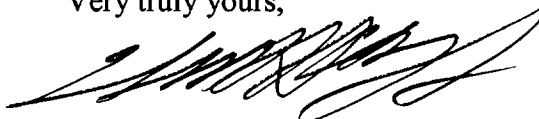
highways in the region pass through Fontana, and closures of these transportation arteries can have gridlock-inducing spillover effects on local roads if the traffic is not directed in an organized fashion and travelers are informed of the best alternate routes.

Although these local emergencies are highly significant for Fontana's residents, businesses, and visitors, alerts for these events are not carried by the current Federal Emergency Alert System, which is more regional in scope and usually serves a multi-county area. For these emergencies, the local, cable-based emergency alert system is the best and most effective means of communication. The local systems can also serve as crucial backstops in case of failure in the Federal Emergency Alert System.

The City is concerned that the Commission may decide, in effect, to do away with this system, which is both effective and of long standing. The new national alert system proposed in the rulemaking would be overseen by the federal government, and appears unlikely to provide cities with the same avenue of fast and direct emergency communications as the current system. If the Commission does establish a new national alert system, the City requests either that the existing local systems be allowed to remain in place, or that branches of local government be permitted to use the new system to provide timely information to areas affected by a local emergency.

Please do not hesitate to contact me with questions or comments.

Very truly yours,



Clark H. Alsop
of BEST BEST & KRIEGER LLP
City Attorney,
City of Fontana

cc: Kenneth R. Hunt, City Manager

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